

COC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA )

Case No. '08 MB 0450 M 9:28

VS )

COMPLAINT FOR VIOLATION OF  
21 U.S.C. Sections 952 & 960,  
Importation of a Controlled Substance

Nepomuceno BURCIAGA )


DEPUTY

The undersigned complainant being duly sworn states:


COUNT 1

That on or about February 18, 2008, within the Southern District of California, Nepomuceno BURCIAGA did knowingly and intentionally import approximately 6.90 kilograms of Methamphetamine, a Schedule II Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
Carlos Puentes, Special Agent  
U.S. Immigration and  
Customs Enforcement

Sworn to before me and subscribed in my presence, this 19<sup>th</sup> day of February 2008.

  
United States Magistrate-Judge

### **PROBABLE CAUSE STATEMENT**

I, Special Agent Carlos Puentes declare under penalty of perjury, the following is true and correct.

On February 18, 2008 at approximately 8:20 PM, Nepomuceno BURCIAGA presented himself for entry into the United States from Mexico, at the San Ysidro, California Port of Entry (POE), lane # 22, as the driver and sole occupant of a green 1995 Honda Civic bearing California license plate number 4LSJ259.

On February 18, 2008 at approximately 8:22 PM, CBP Canine Enforcement Officer (CEO) Lorne James and his narcotic detector dog (NDD) "HEX" (CE-83) were conducting pre-primary roving operations at the San Ysidro POE. CBP CEO James observed HEX alert to the odor of narcotics on a green 1995 Honda Civic bearing California license plate number 4LSJ259.

CBP Officer Navarro made contact with the driver, Nepomuceno BURCIAGA. BURCIAGA gave CBP Officer a negative Customs declaration. BURCIAGA presented CBP Officer Navarro his legal permanent resident alien card and California driver's license as identification. BURCIAGA told CBP Officer Navarro that he was going home to Los Angeles. CBP Officer Navarro escorted the vehicle and BURCIAGA to the secondary inspection area for further examination. A search of the vehicle revealed 6.90 kilograms of Methamphetamine concealed within the rear right and left quarter panels of the vehicle.

WCC

Post-Miranda, BURCIAGA stated that he was getting paid \$4000 to deliver the vehicle to Los Angeles, CA. BURCIAGA told Agents that he knew that drugs were concealed in the vehicle and that it was his second time smuggling drugs into the United States. BURCIAGA stated that he smuggled drugs because he needed the money.

BURCIAGA was arrested and transported to the Metropolitan Correctional Center, San Diego, CA, for custody and judicial proceedings.

Julio Garcia 2/19/08

W McWine Jr 2/19/08